IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3844 of 2007(A)

(CRIME NO. 63/2007 of KARUVARAKUNDU POLICE STATION)

PETITIONERS/ACCUSED NO.1 AND 2
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1. KUNNUMMAL RASHEED, S/O ALAVI,
AGED 27 YEARS, ARIMANAL P.O., KARUVARAKUNDU,
MALAPPURAM DISTRICT.

2. ITHACHU, W/O ALAVI, AGED 50 YEARS,
ARIMANAL P.O., KARUVARAKUNDU,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AS STATE
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1. THE SUB INSPECTOR OF POLICE,
KARUVARAKUNDU POLICE STATION,
MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN- 682031.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3844 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband and mother in law of the defacto complainant. They face allegations, inter alia, under Section 498(A) IPC. The marriage took place in 2002. One girl child was born in the wedlock, but the said child expired. The defacto complainant is now pregnant. It is alleged that petitioners are guilty of matrimonial cruelty of the culpable variety against the defacto complainant. Crime has been registered. The investigation is in progress. The petitioners apprehend that they may be arrested under section 498(A) IPC.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not raise serious objections and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners.

3. I reckon that this is a fit case where directions under Sec.438 of Cr.P.C can be issued in favour of the petitioners, subject of course to appropriate and strict conditions which can be imposed in the interests of a fair and efficient investigation.

4. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 4.07.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 2 p.m on 5.07.07 and 6.07.07 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

iii) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate as directed in clause(i) above.

(R.BASANT, JUDGE)

sj